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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,573	02/08/2002	Wilbur Christian Vogley	FORE-87	4282

7590 03/17/2004

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EXAMINER
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DOAN, JENNIFER

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/073,573	<b>Applicant(s)</b> VOGLEY, WILBUR CHRISTIAN	
	<b>Examiner</b> Jennifer Doan	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/26/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings, filed on 03/26/2002, are objected to because of the following reasons:

The character of lines, numbers and letters of figures 1, 2A, 2B and 3-10 are not uniform.

The corrected drawings are required.

### ***Specification***

2. Applicant's cooperation is requested in correcting any other errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Merli et al. (U.S. Patent 6,088,141).

Regarding claims 1-3, 11 and 17, Merli et al. disclose (in figure 1a) a method and an apparatus of a switch for directing optical signals in a telecommunications network (100) comprising an optical backplane having a first optical path (112) along which the optical signals flow in a first direction and at least a second optical path (114) along which optical signals flow in a second direction (column 2, lines 43-52); N interfaces, where N is greater than or equal to 2 and is an integer, each interface (102-108) in optical communication with the network (116), each interface (102-108) receiving optical signals from and transferring optical signals to the network (116), each interface (102-108) in optical communication with the first path (112) and second path (114), each interface (102-108) sending optical signals it receives from the network (116) onto the first path (112) and the second path (114), each interface transferring optical signals to the network (116) it receives from the first path and the second path (column 2, lines 43-52); wherein the first path forms a closed continuous loop (112) and includes a first optical fiber; and wherein the second path forms a closed continuous loop (114) and includes a second optical fiber.

***Allowable Subject Matter***

5. Claims 4-10 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose or reasonably suggest a method and an apparatus of a switch for directing optical signals in a telecommunications network comprising a

chassis having slots in which the interfaces are held or in which the connectors are held if there is no interface as recited in claim 4; and wherein inserting a third interface into the first slot so it communicates with the first fiber and the second fiber as recited in claim 12.

Claims 5-10 and 13-16 are dependent on the objected claims 4 and 12 respectively.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowen et al. (U.S. Patent 4,874,218), Hardwick (U.S. Patent 5,069,521), Uemura et al. (U.S. Patent 6,434,288) and Boroditsky et al. (U.S. 2002/0085802) disclose an optical switch.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jennifer Doan*

JD  
March 4, 2004

*Akmal*  
AKM ENAYET ULLAH  
PRIMARY EXAMINER